United Nations A/C.5/52/SR.6

General Assembly
Fifty-second session

Official Records

Distr.: General
1 December 1997
English
Original: Spanish

Fifth Committee

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 6 October 1997, at 3 p.m.

Chairman: Mr. Chowdhury ..... (Bangladesh)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

Contents

Agenda item 142: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

(a) Financing of the United Nations peacekeeping operations (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

97-81940 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 142: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

(a) Financing of the United Nations peacekeeping operations (*continued*) (A/51/903 and A/51/967 and Corr.1; A/52/369 and A/52/410)

1. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), referring to the report of the Secretary-General on third-party claims (A/51/903), said that the Advisory Committee recommended that the General Assembly endorse the modalities for establishing the financial and temporal limitations in legally binding instruments proposed in paragraphs 37 to 41 of the report and consider the adoption of a resolution stipulating those limitations. Should such a resolution be adopted, its implementation should be systematically monitored.

2. With regard to the note by the Secretary-General on the reform of the procedures for determining reimbursement to Member States for contingent-owned equipment (A/51/967 and Corr.1), the Advisory Committee noted that the previously proposed model contribution agreement had been revised and was presented in the form of a memorandum of understanding, and it drew attention to the various changes that had been made to the text.

3. With regard to the report of the Secretary-General on death and disability benefits (A/52/369), the Advisory Committee was of the opinion that the proposals of the Secretary-General would lead to a considerable simplification of procedures and recommended that the proposed arrangements should be reflected in a manual and their implementation systematically monitored. Moreover, in order to ensure the expeditious processing of backlog claims, adequate staff resources must be maintained and adequate publicity given to claims procedures.

4. **Mr. Yussuf** (United Republic of Tanzania), speaking on behalf of the Group of 77 and China, expressed confidence that, under the new procedures proposed by the Secretary-General in document A/52/369, the processing of death and disability claims would be completed expeditiously. The Group was also confident that the new system of compensation would encompass all cases of mission-incurred death and disability. In that regard, he would like the Secretariat to clarify the points mentioned in paragraph 13 of the ACABQ report (A/52/410). The Group concurred with the Advisory Committee's recommendation that adequate staff resources should be maintained to ensure the early settlement of death and disability claims, including clearance of the backlog, and also the settlement of other claims. To that end, the Group wished to reiterate that Member States should pay their assessed contributions in full, on time and without conditions.

5. **Mr. Sial** (Pakistan) endorsed the comments made by the representative of the United Republic of Tanzania and said that Pakistan, as the largest contributor of troops to United Nations peacekeeping operations, noted with appreciation the General Assembly's adoption of resolution 51/218 E, on death and disability claims for soldiers serving in those operations.

6. His delegation concurred with the ACABQ opinion that the proposals of the Secretary-General would lead to a considerable simplification of procedures and that the administrative arrangements should be reflected in a manual and their implementation systematically monitored. It underlined the need, however, for an expeditious settlement of claims and drew attention to paragraph 18 of document A/49/906 in which the Secretary-General stated that, once standardized rates had been approved, there would be an immediate settlement of the claims. It was therefore vital to speed up the processing in order to apply the arrangements set forth in section II of the Secretary-General's report (A/52/369), and in that regard, the Fifth Committee might wish to recommend a reasonable temporal limitation for the processing of death and disability claims by the Secretariat. He would like to hear the Secretariat's views on the subject.

7. His delegation agreed with the Advisory Committee that adequate staff resources should be maintained to ensure the expeditious processing of claims. The ACABQ observations that appropriate guidelines were needed to determine what were not mission-incurred events and that a clear definition of the terms "accident" and "incident" was required merited consideration. His delegation was of the view that all mission-related accidents should be within the scope of the proposed system of death and disability compensation.

8. **Mr. Atiyanto** (Indonesia) expressed his unreserved support for the statement made by the representative of the United Republic of Tanzania and concurred with the ACABQ recommendations on the preparation of a manual outlining the administrative procedures for processing compensation claims and the systematic monitoring of those procedures. The Secretary-General's projection that processing the existing backlog would require two years gave his delegation cause for concern; he asked whether the process could be accelerated.

9. **Mr. Boynton** (United States of America), after expressing the hope that compensation claims would be processed quickly and joining with other speakers in looking forward to a manual on the new arrangements, said that his delegation reserved the right to request additional information on third-party claims and reimbursements to Member States for contingent-owned equipment. He would like the Secretariat to clarify whether there would be quarterly reports on compensation claims, as was contemplated, to elaborate on paragraph 12 of the ACABQ report (A/52/410), which appeared to indicate that claims relating to over 3,000 incidents might be submitted still, and to explain in detail its projection that it would take two years to clear the backlog. Once the backlog had been cleared, he took it that the number of staff would be reduced.

10. **Mr. Hanson-Hall** (Ghana) endorsed the statement made by the representative of the United Republic of Tanzania and, in connection with death and disability claims, said that paragraph 4 of the manual on procedures for submitting compensation claims prepared by the Department of Peacekeeping Operations seemed to contradict section II, paragraph 5, of General Assembly resolution 51/218 E. He would like the Secretariat to determine whether a contradiction did in fact exist and, if such was the case, to remedy it.

11. **Mr. Kabir** (Bangladesh) endorsed the views expressed by the representative of the United Republic of Tanzania and said that his country was a major troop contributor and therefore attached great importance to death and disability compensation. It was particularly vital to maintain adequate staff to eliminate the backlog. He asked why the process would last so long and requested clarifications from the Secretariat in that regard. He concurred with the recommendation in paragraph 15 of the ACABQ report.

12. **Mr. Yeo** (Deputy Director of the Peacekeeping Financing Division), replying to questions put by speakers, said that the manual to which the representative of Ghana had referred dealt with procedures under the previous system and that there was therefore no contradiction. The first quarterly report, which would cover the period between July and September together with the backlog, would be submitted in the middle of October, as was indicated in the Secretary-General's report. As to promptness of payment, he said that once there had been a proper review of the claims, the payment of death or disability compensation would take place without delay, whether the claim had been processed under the old system or under the new arrangements. No claims had been processed since 1 July, however, because the General Assembly had still to approve the new arrangements. Regarding the projection that it would take two years to clear the backlog, he said that payment delays were due principally to the difficulties which many countries experienced in producing the requisite certificates and documentation; the Field Administration and Logistic Division was therefore cooperating with countries and trying to help them. In order to clarify the issues referred to in paragraph 13 of the ACABQ report (A/52/410), he would consult with the representative of the Office of Legal Affairs.

13. **Mr. Maddens** (Belgium) said that the Committee should immediately adopt a simple resolution approving the Advisory Committee's recommendations, in order to enable the Secretariat to begin to deal with the requests for reimbursement submitted since 1 July.

14. **Mr. Menkveld** (Netherlands), referring to the revised model Contribution Agreement contained in the note by the Secretary-General on reform of the procedures for determining reimbursement to Member States for contingent-owned equipment (A/51/967 and Corr. 1) said that the text now called "Memorandum of Understanding" still used the term "parties" and that article 13 described legally binding arbitration procedures. That meant that the Memorandum of Understanding was a treaty, with the result that several countries, including the Netherlands, would have to obtain parliamentary approval every time an agreement was concluded with the Secretariat for a given operation. Accordingly, he proposed that in the Memorandum "parties" should be replaced by "participants" and that article 13.3 concerning arbitration procedures should be optional.

Other matters

15. **Ms. Peña** (Mexico) said that she had still not had a reply from the Secretariat to the question put eight days earlier as to when the reports on gratis personnel requested in General Assembly resolution A/51/243 would be presented. Furthermore, at the meeting at which the Committee had adopted the draft resolution she had requested, in her capacity as coordinator for the item, that a consensus amendment should be introduced in the text. According to that amendment, "fifty-second session" would be replaced by "fifty-second regular session" in paragraphs 9, 11, 13 and 14. When the plenary General Assembly had been about to approve the Committee's report on the item it had been found that the amendment had been omitted, and at her request the Rapporteur had requested from the podium that the mistake should be corrected. The resolution had been adopted by the Assembly with the changes. Unfortunately, when the final version of the resolution had been distributed recently the changes had still not been included. The

Secretariat had said that it would be more accurate to refer to "the main part of the fifty-second session" rather than to "fifty-second regular session", but in fact neither of the two versions had been incorporated. She wondered whether that was connected with the Secretariat's reticence about the date of the presentation of the reports called for in the resolution, and she requested the Chairman to send a letter instructing the Secretariat to put matters right.

16. **Mr. Yussuf** (United Republic of Tanzania), speaking on behalf of the Group of 77 and China, said that they endorsed the statement made by the representative of Mexico and reaffirmed that the Secretariat should not interfere in the legislative process undertaken by Member States. He therefore requested that resolution A/51/243 should be reissued with the changes, as it had been adopted by the General Assembly in plenary meeting, and he urged the Secretariat once again to present the reports on gratis personnel so that the Committee could consider them during the first part of the present session.

17. **Ms. Buergo** (Cuba) said that her delegation supported the statements made by the representatives of Mexico and Tanzania and pointed out that paragraph 11 (b) of the resolution did not contain an amendment proposed by Cuba and adopted by the Committee to the effect that "staff members" should be replaced by "applicable to staff members".

18. **The Chairman** said that he would bring the matter to the attention of the General Assembly Affairs Division.

19. **Mr. Sulaiman** (Syrian Arab Republic) said that he wished to correct two mistakes in the summary records of the Committee and the verbatim records of the plenary General Assembly at the fifty-first session. The reply of the Syrian delegation to the statement made by another delegation during the debate on the financing of the United Nations Interim Force in Lebanon had been omitted from the summary record of the Committee's 57th meeting held on 13 May 1997 (A/C.5/51/SR.57), while in the verbatim record of the 101st plenary meeting of the General Assembly (A/51/PV.101) a statement to the effect that the principle of collective responsibility could not be applied to matters of financing had been attributed to the representative of Syria. The representative of Syria could not have said anything of the kind, for such a statement would be contrary to the Charter of the United Nations; what had probably been said was that the principle of collective responsibility could not be applied in the case of an act of aggression. In future the drafters of records should exercise greater care and look at what speakers had said in the original language.

The meeting rose at 4 p.m.